

Remarks

Claims 1-32 are pending. Reconsideration is respectfully requested.

Claims 1 and 26 were rejected under 35 U.S.C. § 102(a) over Force (US 6,109,522).

Claims 2-25 and 27-32 were rejected under 35 U.S.C. § 103(a) over Force in view of Tedesco (US 6,282,523).

Force does not constitute prior art under 35 U.S.C. § 102(a)

Force has an issue date of August 29, 2000. The present application claims priority to Application 09/408,858 filed September 30, 1999, which in turn claims the benefits of Provisional Applications 60/109,941 (filed November 25, 1998) and 60/135,720 (filed May 25, 1999). Provisional Application 60/135,720 provides support for at least the pending independent claims. Note Provisional Application 60/135,720, for example, at page 63, line 9 to page 64, line 4, and at page 22, lines 4-12. Thus, independent claims 1 and 26 are entitled to an effective filing date of at least May 25, 1999. As a result, Force does not constitute prior art pursuant to 35 U.S.C. § 102(a) with respect to claims 1 and 26. Applicants respectfully submit that the 35 U.S.C. § 102(a) rejections are not legally valid and should be withdrawn.

Force is disqualified as prior art under 35 U.S.C. § 103(a)

As previously discussed, the present application claims priority to Application 09/408,858 filed September 30, 1999, which in turn claims the benefits of Provisional Applications 60/109,941 (filed November 25, 1998) and 60/135,720 (filed May 25, 1999). Force has an issue date of August 29, 2000. Force has a filing date of at least November 17, 1998 for purposes of 35 U.S.C. § 102(e).

Subject matter developed by another person which only qualifies as prior art under 35 U.S.C. § 102(e) is disqualified as prior art under 35 U.S.C. § 103(a) where the subject matter and the claimed invention were subject to an obligation of assignment to the same entity at the time the invention was made. 35 U.S.C. § 103(c). MPEP § 706.02(l)(1).

The present application and the Force reference (US 6,109,522) were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same entity.

In accordance with MPEP § 706.02(l)(2)(II) Applicants have shown sufficient evidence that, in accordance with 35 U.S.C. § 103(c), Force cannot preclude patentability of the present invention. Thus, Applicants respectfully submit that Force is disqualified as prior art in relation to the present invention with regard to 35 U.S.C. § 103(a).

Applicants "may overcome a 35 U.S.C. § 103 rejection based on a combination of references by showing completion of the invention by applicant prior to the effective date of any of the references" (MPEP § 715.02). Applicants have shown that any 35 U.S.C. § 103 rejection involving Force is not valid. All of the 35 U.S.C. § 103(a) rejections involve Force. For these reasons it is respectfully submitted that the 35 U.S.C. § 103 rejections should be withdrawn.

Even if Force constituted 35 U.S.C. § 102(a) prior art, the claims would not be anticipated

The rejections of claims 1 and 26 rely on Force at col. 4, lines 1-67 and col. 5, lines 9-14. At best, the relied upon sections of Force relate to an ATM that can both (1) be replenished with a currency canister by authorized service personnel and (2) receive a currency note deposit from a customer. What do the relied upon sections of Force have to do with receiving depositor input via remote communication, where the input includes data associated with the deposited item?

Even if Force constituted 35 U.S.C. § 103(a) prior art, the claims would not be obvious

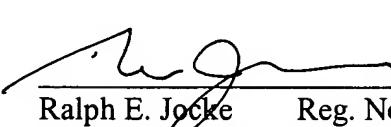
Force in view of Tedesco does not render the claims obvious. The rejections (at Action paragraph number 7) rely on Force for teaching "transmitting the input via an RF signal" at col. 4, lines 13-26, and an "RFID tag" at columns 19-21. However, the relied upon sections of Force do not teach the features attributed thereto by the Office. The Office itself admits (at Action paragraph numbers 8, 10, 12, 14, 16, and 18) that "Force does not disclose transmitting the input via a radio frequency signal". Likewise, nowhere does Force mention an RFID tag. The Office has not established a *prima facie* case of obviousness.

Conclusion

Applicants respectfully submit that they have provided sufficient reasons to refute the Office's allegations of anticipation and obviousness. Thus, Applicants further respectfully submit that the rejections are improper and should be withdrawn.

Applicants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the Application by phone.

Respectfully submitted,



Ralph E. Jocke Reg. No. 31,029
WALKER & JOCKE
231 South Broadway
Medina, Ohio 44256
(330) 721-0000